CF/604

(4)

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IN THE HIGH COURT OF JUDICATURE AT BILASPUR

Writ Petition No. 2882 /2004

PETITIONER : P. S. Bhagat S/o Late Choya Ram, Aged about 38 years, Occupation- Service, Presently posted as Scientist Officer, Office of the Superintendent of Police, Raigarh (C.G.).

- Versus –

RESPONDENTS :1. State of Chhattisgarh, Through Secretary Mining Department, Mantralaya, D. K. S. Bhawan, Shastri Chowk, Raipur (C.G.).

2. State of Madhya Pradesh, Through Secretary, Mining Department, Mantralaya, Vallabh Bhawan, Bhopal (M.P.).

3. Directorate, Bhoumiki Tatha Khanikarm, 35, Shyamla Hills, Near Rajeev Gandhi Parishar, Bhopal (M.P.).

4. Superintendent of Police, Raigarh (C.G.).

P. R. No. 2891/04 Presented by Shri H. S. Bhatia dated 25-8-04

Clerk to A. G. Bilaspur 25-8-04

23/8/04

WRIT PETITON UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF THE SUITABLE WRIT, ORDER OR DIRECTION IN THE MATTER.

(130)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 2882 of 2004

Petitioner P.S. Bhagat

Versus

Respondents State of Chhattisgarh and others

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Shri H.S. Ahluwalia, Advocate for the petitioner.

Shri Sushil Dubey, Government Advocate for the State/respondents No. 1 and 4.

None appears for the respondents No. 2 and 3.

O R D E R

(28th August, 2006)

The following order of the Court was passed by **Satish K. Agnihotri, J.**

1. Learned counsel for the petitioner submits that the petitioner was appointed as Chemist reserved for Scheduled Caste and Scheduled Tribe candidates through Special Recruitment Derive, temporarily on the pay scale of Rs. 2200-75-2800-100-4000/- subject to approval of the Public Service Commission by order dated 11th January, 1994 (Annexure P/1).
2. According to learned counsel for the petitioner, the petitioner was posted, thereafter in the office of the Directorate, Zoology and Mining, Sub Office at Bastar. Approval of the appointment of the petitioner on the post of Chemist was denied by the Public Service Commission on the ground that the petitioner had not produced any certificate of experience.
3. Learned counsel for the petitioner refers and relies on the circular dated 28th May, 1976 (Annexure P/4) whereby the candidates belonging to the Scheduled Caste or Scheduled Tribe Category were exempt from producing experience certificate.

4. Learned counsel appearing for the respondents/State admits that the circular dated 28th May, 1976 (Annexure P/4) does provide for exemption from producing experience certificate. Accordingly, appointment of the petitioner on the post of Chemist could have been approved without insisting upon experience certificate.

5. It is further stated by learned counsel for the petitioner that the petitioner is entitled to regular pay scale for the period he has worked as Chemist with the State Government on the basis of the circular dated 28th May, 1976 (Annexure P/4), as denial of approval of his appointment was unjust and improper.

6. Having heard learned counsel for the parties and on perusal of the papers, it is evident that the petitioner cannot be denied approval of the appointment on the post of Chemist w.e.f. 11.1.1994 on the ground of non-production of experience certificate alone. Further, it appears that approval was denied not on any other ground, but on the ground of non-production of experience certificate in the teeth of admitted circular dated 28th May, 1976. The petitioner is accordingly entitled to pay scale admissible to other employees wherein the Public Service Commission approved their appointments in the same lines.

7. For the reasons stated-above, the writ petition stands allowed to the above extent. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Bablu